

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

DOUGLAS STUNTZ

CIVIL ACTION NO. 6:20-CV-00182

VERSUS

JUDGE JUNEAU

WRIGHT ENRICHMENT, INC.

MAGISTRATE JUDGE WHITEHURST

JUDGMENT

THIS MATTER was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation. After an independent review of the record, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. In doing so, the Court notes that the Defendant objected only to the Magistrate Judge's analysis of the requirements of the Louisiana Whistleblower Statute, La. R.S. 23:967. Notwithstanding the Defendant's arguments to the contrary, the Court agrees with the Magistrate Judge's determination that La. R.S. 23:967(A)(3) allows a claim for reprisal based on an employee's refusal to participate in an employment act or practice that is in violation of law. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation, Defendant Wright Enrichment, Inc.'s Motion to Dismiss, Rec. Doc. 20, is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's Title VII retaliation claim is **DISMISSED WITHOUT PREJUDICE**

based on his failure to exhaust administrative remedies. Defendant's Motion to Dismiss the Plaintiff's purported Failure to Accommodate claim is **DENIED AS MOOT**, and Defendant's Motion to Dismiss the Plaintiff's remaining claims under the ADA/LEDL, La. R.S. 23:967, and La. R.S. 30:2027 is **DENIED**.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 8th day of October, 2020.



MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE